IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 519 of 2007
Date of Decision: 30.1.2007

Vijay Kumar ...Petitioner

Versus

Surjit Masih ....Respondent

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri V.K. Kataria, Advocate, for the petitioner.

HEMANT GUPTA, J.

The challenge in the present revision petition by the tenant is to the order passed by the learned Rent Controller whereby the provisional arrears of rent payable @ Rs.1000/- per month with effect from March, 1999, interest as prescribed and costs of Rs.300/- was assessed.

Learned counsel for the petitioner has vehemently argued that a sum of Rs.1,30,000/- has been paid to the landlord on 5.8.1997 and the learned Rent Controller while passing the order assessing provisional arrears of rent, has not take into consideration such payment.

After hearing learned counsel for the petitioner, I do not find any ground to interfere in the order passed by the learned Rent Controller, assessing the provisional arrears of rent, interest and costs. The assessment of the provisional arrears of rent, interest and costs, is in fact an opportunity to the tenant to avoid his eviction if on final determination, such rent is found due and payable by the tenant. It is open to the petitioner to prove during the course of trial that a sum of Rs.1,33,000/- or any other

amount stands paid to the landlord towards arrears of rent but if the petitioner fails to prove such assertion, it shall not be open to the petitioner to contend that he should be provided an opportunity for payment of arrears of such arrears, interest and costs. That is the view taken by me in **Rajinder Lal v. Gopal Krishan 2006(2) PLR 124.**

In view of the above, I do not find any patent illegality or irregularity in the impugned order, which may warrant interference by this Court in exercise of its revisional jurisdiction.

Hence, the present revision petition is dismissed.

30-1-2007 (HEMANT GUPTA)
ds JUDGE